

Probate Notes for November 5, 2014

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. Unless an appearance at the hearing is otherwise required by law, if petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you are scheduled to appear and there is no probate note issued in your case, you should appear as scheduled. If you wish to continue a matter, you must contact the civil division at (530) 406-6704, at least two (2) court days before your hearing.

Please note: The following probate matters will be heard in **Department Two at 9:00 a.m.**

CASE: Conservatorship of Vann
Case No. CV PC 14-158

On the Court's own motion, the matter is **CONTINUED** to Friday, November 12, 2014, at 9:00 a.m. in Department 2 for completion of the court investigator's report.

CASE: In the Matter of the 2013 Patsy Fields Revocable Trust
Case No. CV P2 14-170

It is recommended to deny Van Field's petition for an order that respondent Ronald Fields transfer assets owned by the 2013 Patsy Fields Revocable Trust ("2013 Trust") to the Patsy Marie Fields Revocable Trust, dated January 26, 2012. ("2012 Trust"). On April 26, 2013, Ms. Fields revoked the 2012 Trust. On May 9, 2013, petitioner acknowledged receipt of the revocation of the 2012 Trust. (Opposition, Exhibit A.)

It is recommended to deny the petition for an accounting. Petitioner is not a beneficiary of the 2013 Trust, and therefore, does not have standing to request an accounting. (Prob. Code, §§ 24, subd. (c), 17200.) Additionally, the terms of the 2013 Trust do not require respondent to account to any person. (Petition, Exhibit B, Section 6.18.)

The Court declines to consider any issues related solely to the estate of Carl Fields, as they are not properly before the Court in this trust matter.

As there are disputes regarding the validity of the 2013 Trust and damages for the alleged undue influence by respondent, it is recommended that the matter be set for trial. The parties are **DIRECTED TO APPEAR** for the purpose of setting a trial date.

CASE: In the Matter of the Brockhoff Family Trust
Case No. CV P2 06-225

The petition of Donald Brockhoff filed on August 26, 2014, is withdrawn and **DROPPED FROM CALENDAR** at petitioner's request.

It is recommended to approve the verified fifth account and report of trustee. (Prob. Code, § 17200, subd. (b)(5).)

CASE: In the Matter of the Drouin Family Revocable 1999 Trust
Case No. CV P2 14-157

It is recommended to deny Rebecca Peterson and Linda Land's petition for an accounting. Petitioners fail to provide evidence that the Drouin Family Revocable 1999 Trust ("Trust") or the Emil W. Drouin Irrevocable Trust (Trust B) must contain the information required by Probate Code section 16063(a). Additionally, pursuant to the terms of the Trust, the ninety day period to object to the accounting prepared by respondent Emil Drouin, Jr. in April of 2014, has passed. (Petition, Exhibit A, section 7D.) Finally, petitioners fail to provide any authority to support their request to require respondent to file an accounting detailing the acts of the former trustee, Josephine Drouin, for the five years immediately preceding her death on November 9, 2013. To the contrary, section 7E of the Trust provides that a successor trustee shall not be liable for any action taken by a trustee prior to the time such successor trustee becomes trustee. (Petition, Exhibit A, section 7E.)

It is recommended to grant the respondent Emil Drouin, Jr.'s request for attorneys' fees and costs. The petition was brought without reasonable cause and in bad faith. (Prob. Code, § 17211, subd. (a).)